

MACON-BIBB COUNTY SELECTED ORDINANCES

Note: This is an incomplete listing of applicable alcohol ordinances. Each licensee is responsible for knowing and following all applicable ordinances. For a complete copy of the Macon-Bibb County Alcohol Code, contact Janice Ross, Macon-Bibb County Clerk of Commission at jross@maconbibb.us, 478-803-0365, 700 Poplar Street, Macon, Georgia.

Chapter 4 - ALCOHOLIC BEVERAGES

ARTICLE I. - GENERAL PROVISIONS

Sec. 4-2. - Familiarity with Chapter.

It shall be the duty of each licensee to maintain a copy of this Chapter on the premises, and to instruct each employee as to the terms thereof; and each licensee and employee shall at all times be familiar with this Chapter.

Sec. 4-3. - Responsibility for acts of employees and others.

Licenses are charged with the responsibility hereunder for compliance with this Chapter by their officers, agents, servants and employees. Licensees are responsible for acts in violation of this Chapter performed by others if with the knowledge of the licensee.

Sec. 4-4. - Removal of alcoholic beverage served for consumption on the premises prohibited.

No alcoholic beverage sold pursuant to a license for sales of wine and malt beverages for consumption on the premises, for sales of distilled spirits for consumption on the premises or for sales in connection with food service as provided in Section 4-126, may be removed from the premises on which such alcoholic beverage is sold.

ARTICLE II. - LICENSING

Sec. 4-29. - Open to inspection.

Any establishment holding a license issued under this Chapter shall at all times, during the period allowable by law for operation of the business, be open to inspection by any officer of the Office of the Sheriff or any license inspector of Macon-Bibb County or to any person designated by the Sheriff or the Mayor. In addition, if the premises are being used after hours by employees or the owners or their agents, the premises may be inspected at this time by the designated persons in this Section.

Sec. 4-37. - Duty to report changes.

Whenever there shall be a change in any of the facts reported to the commission or its designee in the application for a license after such license has been granted, it shall be the duty

of the licensee, within ten business days after such change, to report the same to the Department of Business Development Services, or its successor department, in writing. If the change concerns any change to the location at which alcoholic beverages are sold pursuant to any license issued under this Chapter; the identity of the agent; the identity of the licensee; or the addition of any categories of activities regulated under this Chapter which are to be conducted at the licensed premises, then a new license application shall instead be submitted reflecting the changes. If the change does not concern any change to the location at which alcoholic beverages are sold pursuant to any license issued under this Chapter; the identity of the agent; the identity of the licensee; or the addition of any categories of activities regulated under this Chapter which are to be conducted at the licensed premises, then any , , requirements relating to advertising the application in the legal organ of the county or to paying any application fee or annual license fee for any license type already held shall be waived.

Sec. 4-38. - Compliance with laws.

- (a) In addition to the provisions of this Article, licensees are also charged with responsibility for adhering to any other provisions of this Code, as well as the statutes and laws of the state and of the United States relating to the operation of their businesses.
- (b) All applicants for licenses (in the case of pending applications) and all licensees (in the case of issued licenses) shall forthwith report to the commission or its designee any allegations of a violation of any state law or regulation or local ordinance or regulation when such allegations are made by the state department of revenue, a law enforcement officer, tax commissioner or a prosecuting attorney in this state which charges the applicant or the licensee, or any employee or other person acting under the direction thereof, as the case may be, with the violation of any law or regulation which could or would, in the event of a finding of guilt, result in a revocation of such license or a denial of an application for such license. Similarly, an applicant or a licensee shall report to the commission or its designee all findings of such violations by any administrative agency, the tax commissioner or court which under this Chapter could or would result in a revocation of a license. Failure to make reports required by this Section shall itself be grounds for the taking of Adverse Action, up to any including revocation of any license or the denial of any application for a license under this Chapter, as the Commission or its designee shall determine.

Sec. 4-39. - Applicant subject to the terms of Article.

An applicant by filing an application for an alcoholic beverage license submits to all of the terms of this Article, and agrees that he or she will furnish such evidence, oral or written, as the commission or its designee shall find to be reasonably necessary to the determination of the application, and such applicant further agrees by the filing of such application that if a license is issued thereon, he will comply with the terms of this Article.

Sec. 4-40. - Security cameras.

- (a) Any establishment licensed to sell any alcoholic beverage, packaged to go, is hereby required to install security cameras, which must, at a minimum, be of sufficient quantity, quality, and positioning so as to capture the face and clothing of persons entering into said

establishment through any public entrance thereof; or making any purchase from said establishment.

- (b) Such cameras meeting the requirements of this Section must be capable of producing a retrievable image on film or tape that can be made a permanent record and that can be enlarged through projection or other means. Cameras meeting the requirements of this Section shall be maintained in proper working order at all times and shall be subject to periodic inspection by the Sheriff.

Sec. 4-56. - Duration and renewal of license; transfers.

- (a) All licenses issued under this Chapter shall expire at 11:59:59 P.M. on December 31st of each calendar year, unless otherwise expressly stated. There shall be no “grace period” to allow for the operation of any licensee under a license for a prior year while awaiting the issuance of a renewal license for the succeeding year, except as provided in this Section. No licensee shall have any vested right to the renewal of any local license.

ARTICLE III. - ADULT ENTERTAINMENT REGULATIONS

Sec. 4-71. - Obscene, lewd or indecent entertainment on premises where alcoholic beverages are offered for sale.

- (c) *Conduct prohibited.* The following types of entertainment, attire and conduct are prohibited upon any premises licensed to sell, serve or dispense alcoholic beverages for consumption on the premises within Macon-Bibb County:
 - a. The employment or use of any person live, in any capacity, in the sale or service of alcoholic beverages or food while such person is unclothed or in such attire, costume or clothing, as to expose any portion of his or her specified anatomical areas.
 - b. Live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of his or her specified anatomical areas or where such person performs acts of specified sexual activities or acts which simulate specified sexual activity, as defined herein.
 - c. The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where live patrons of the licensed establishment are encouraged or allowed to engage in any of the conduct proscribed in subsections (1) and (2).
 - d. Nothing contained in this Section shall apply to the premises of any mainstream performance house or museum which derives less than twenty (20) percent of its gross annual income from the sale of alcoholic beverages.

(d) *Penalties.*

- a. It shall be unlawful for any person to perform any acts prohibited in subsection (c) and any such conduct will be a violation of this Code and shall be punishable in the municipal court of Macon-Bibb County as provided under this Code.
- b. It shall be unlawful for a licensee to permit any conduct prohibited in subsection (c) which he knows or has reasonable cause to know is taking place on the premises. Any such conduct by a licensee shall be a violation of this Code and shall be punishable in the municipal court as provided under this Code. Also, upon conviction, a licensee may have his license revoked as provided in this Code.

ARTICLE IV. - RETAIL PACKAGE SALES OF DISTILLED SPIRITS

Sec. 4-94. - When sales permitted.¹

- (a) It shall be unlawful for any licensee or person employed by a licensee for retail package sales of distilled spirits, to sell, offer for sale, transfer, or offer to transfer to others, any distilled spirits at any time on Sunday before the hour of 12:30 p.m. or after the hour of 11:30 p.m. or at any time before the hour of 8:00 a.m. or after the hour of 11:45 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday or Saturday of each week; and it shall be unlawful for any person to purchase, receive, or offer to receive from such a licensee, or a person employed by such a licensee, any distilled spirits at any time on Sunday before the hour of 12:30 p.m. or after the hour of 11:30 p.m. or before the hour of 8:00 a.m. or after the hour of 11:45 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday of each week.
- (b) Pursuant to the provisions of O.C.G.A. § 3-3-20, and subject to the provisions of subsection (a), the sale of alcoholic beverages shall be permitted on elections days as the same are defined in the Official Code of Georgia Annotated; provided, however, that it shall nonetheless be unlawful for any person to sell alcoholic beverages within 250 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

Sec. 4-95. - Price tags and labels.

Licensees shall plainly indicate the price of all distilled spirits exposed for sale by tags or labels on the bottles or containers or on the shelf immediately below as such containers are placed. It shall be unlawful for any person to have in his possession, custody or control any distilled spirits for retail sale unless the container shall have firmly affixed thereto a label on which there is stated in plain words or figures, the true alcoholic content by volume of the alcoholic beverage.

Sec. 4-98. - Posting of license number.

Every licensee shall have printed on the front of the licensed premises the name of the licensee, together with the inscription:

¹ This Section applies to retail package sales of distilled spirits.

"Macon-Bibb County Retail Package Sales of Distilled Spirits License No. _____"
in letters not less than four (4) inches in height.

Sec. 4-99. - Posting of signs prohibiting sales to minors.

The holder of a retail distilled spirits license shall post in a conspicuous place in the licensed premises a sign printed in letters at least four (4) inches high reading:

Sale of Alcoholic Beverages to Minors Prohibited.

Sec. 4-100. - Limitation on the sale or transfer of business and license.

It shall be unlawful and shall call for immediate revocation of all licenses involved, both of seller and purchaser, for any retail distilled spirits licensee to purchase the business or license of any other such licensee and attempt to operate the purchased business in addition to the business operated by the purchaser. If a bona fide sale of any license or business under this Article to persons other than other such licensed dealers, full disclosure of the persons involved, the purchase price, and any other information as is required by this Code for a new license shall be filed with the commission or its designee as a condition to any sale. In addition to the revocation of the license of any person violating the provisions of this Section, that person shall be subject to punishment in the municipal court as for other violations of this Code.

ARTICLE V. - RETAIL PACKAGE SALES OF WINE AND MALT BEVERAGES AND RETAIL SALES OF WINE AND ANY MALT BEVERAGES FOR CONSUMPTION ON THE PREMISES

Sec. 4-123. - Where sales permitted.

The point of sale for packaged malt beverages or wine not to be consumed on the premises shall be compactly placed in the rear portion of the place of business which is defined as being the portion of the sales area in the place of business furthest away from the main entrance. In no event shall displays of malt beverages or wine be permitted upon the front or in the windows of places of business.

Sec. 4-125. - Hours of sales; hours of operations; hours of brown bagging; sales on election days; Sunday sales.²

- (a) No licensee shall sell or offer for sale any alcoholic beverages at any time on Sunday before the hour of 12:30 p.m. or after the hour of 11:30 p.m., nor between the hours of 2:00 a.m. and 6:00 a.m. on other days of the week.
- (b) Pursuant to the provisions of O.C.G.A. § 3-3-20, and subject to the provisions of subsection (a), the sale of malt beverages and wine shall be permitted on election days as the same are defined in the Official Code of Georgia Annotated; provided, however, that it shall nonetheless be unlawful for any person to sell malt beverages and wine within 250 feet of

² This Section applies to retail sale of malt beverages and wine by the package or for consumption on premises.

any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

- (c) The provisions of subsection (a), insofar as they prohibit sales between midnight on Saturday and 2:00 a.m. on Sunday, shall not apply to sales or consumption on the premises by licensees who qualify under the provisions of Section 4-143 to sell distilled spirits for consumption on the premises. In such case, the hours of subsection (c) of Section 4-143 will control as to hours of sale of wine and malt beverages.

Sec. 4-127. - Wine tasting.

- (b) No wine tasting shall be conducted on the premises of any place of business licensed to sell distilled spirits in the unbroken container. Any wine tasting occurring on the premises of a business possessing a license to sell wine by the package shall be limited to an area that is separated from the retail area of the premises by walls or other partitions that prohibit pedestrian traffic through the wine tasting area.
- (c) An eligible licensee may petition Macon-Bibb County for a wine-tasting permit provided it meets all requirements of the alcohol beverage ordinance and presently maintains a valid license for the sale of wine by the package issued by Macon-Bibb County. A wine-tasting permit shall allow the permittee to offer or sell wine samples in connection with an instructional or educational promotion. A wine-tasting permit is intended to allow such activity on a limited basis and shall not be a part of the core operations of such establishment or occur on a daily basis.
- (f) Wine tastings shall only be conducted during the hours established for the sale of alcoholic beverages consumed on premises as established in this Chapter.
- (g) Holders of a wine-tasting permit shall not allow any person to take an open container of alcoholic beverages from the designated wine-tasting area or from the licensed premises.

Sec. 4-128. - Growlers.

The sale of growlers in compliance with this ordinance is authorized for establishments licensed under ordinance Section 4-124(a)(1) for the retail package sales of wine and malt beverages, including holders of a brewpub or malt beverage taproom license. The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or other provisions of this ordinance. The term "growler" means a glass bottle not to exceed sixty-four ounces (64 oz.) that is filled by a licensee or employee of the licensed establishment with beer from a keg. Unless a licensee has a brewpub or malt beverage taproom license, growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler. Brewpub or malt beverage taproom licensees may also fill growlers with malt beverages manufactured on the licensed premises. Only professionally sanitized and sealed growlers may be filled and made available for retail sale. Each growler must be securely sealed and removed from the premises in its original sealed condition. Samples of tap beers may be made available if the licensee is providing growlers in compliance with this ordinance, but shall not exceed one ounce (1 oz.) nor shall any one (1) individual be offered more than three (3) samples within a twenty-four-hour (24 hr.) period. An establishment duly licensed for the sale

of growlers may also be authorized to sell other forms of alcoholic beverages, including for consumption on premises, so long as it is properly licensed to do so.

ARTICLE VI. - RETAIL SALES OF DISTILLED SPIRITS FOR CONSUMPTION ON THE PREMISES

Sec. 4-143. - When sales permitted.³

- (a) *Hours; holidays.* No person shall engage in the sale of distilled spirits for consumption on the premises between the hours of 2:00 a.m. on Sunday and 6:00 a.m. the following Monday and between 2:00 a.m. and 6:00 a.m. on other days of the week, or when sales are prohibited by state law. Sales outside the designated hours are prohibited.
- (b) *Election days.* Pursuant to the provisions of O.C.G.A. § 3-3-20, and subject to the provisions of subsection (a), the sale of distilled spirits for consumption on the premises shall be permitted on election days as the same are defined in the Official Code of Georgia Annotated; provided, however, that it shall nonetheless be unlawful for any person to sell distilled spirits for consumption on the premises within 250 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.
- (c) *Sunday sales.* Notwithstanding the provisions of subsection (a), any licensee authorized by this Article to sell distilled spirits for consumption on the premises which derives at least 50 percent of its total annual gross sales from the sale of prepared meals at the licensed premises, and any such licensee operating an establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging may apply for a Sunday sales permit which, if granted, will authorize the licensee to sell and serve distilled spirits for consumption on the premises on Sundays from 11:00 A.M. until 12:00 midnight, local time, under the following conditions:⁴

Sec. 4-144. - Times and hours for sale, purchase, drinking, etc. exceptions in years when January first falls on Monday.

- (a) Notwithstanding any other ordinance or provision to the contrary, whenever January first of any year falls on a Monday, it shall not be unlawful for the licensee or his employee, authorized to sell beer, malt beverages, wine, and distilled spirits by the drink, to sell and transfer same between the hours of 12:01 a.m. and 2:00 a.m. on such Monday morning, nor shall it be unlawful for any adult person to purchase and receive from such a licensee, or person employed by such a licensee, such alcoholic beverages between such hours.
- (b) Notwithstanding any other ordinance or provision to the contrary, whenever January first of any year falls on a Monday, it shall not be unlawful for any person licensed for retail sale of beer, wine, or distilled spirits by the drink, to permit opened containers or bottles

³ This Section applies to retail sales of distilled spirits for consumption on premises.

⁴ For more information about the Macon-Bibb County Sunday Sales Permit, contact the Macon-Bibb County Department of Business Development Services, Business License Division, (478) 803-0470, behind Terminal Station, 200 Cherry Street, Suite 202, Macon, Georgia.

containing beer, wine, or other alcoholic beverages, on the licensed premises at any time between 7:00

p.m. on the previous Sunday evening and 2:00 a.m. on such Monday morning, nor shall it be unlawful for any adult person to have such an opened container containing such substances in such place of business during such hours.

- (c) Notwithstanding any other ordinance or provision to the contrary, whenever January first in any year falls on a Monday, it shall not be unlawful for any owner of a place of business licensed for the retail sale of beer, wine and distilled spirits by the drink to permit any adult person to drink any whiskey, wine, beer or other alcoholic beverages upon the business premises between the hours of 7:00 p.m. on the previous Sunday and 2:00 a.m. on such Monday morning, nor shall it be unlawful for any adult person to drink any whiskey, wine, beer or other alcoholic beverages in such business establishments between such hours.
- (d) Notwithstanding any other ordinance or provision to the contrary, whenever January first of any year falls on a Monday, the practice commonly known as "brown bagging," that is, the bringing of liquor by patrons to business establishments licensed for the retail sale of beer, wine and distilled spirits by the drink for the purpose of drinking such liquor at any such establishments, shall not be unlawful between the hours of 7:00 p.m. on the previous Sunday evening and 12:01 a.m. on such Monday morning.
- (e) Notwithstanding any other ordinance or provisions to the contrary, whenever January first of any year falls on a Monday, the sale and consumption of alcoholic beverages at the coliseum and auditorium is hereby authorized between the hours of 12:30 p.m. on New Year's Eve and 2:00 a.m. on January first.

Secs. 4-145. – Hours of Operation of Licensed Premises.

- (a) No person or entity licensed under this Chapter for the sale of alcoholic beverages for consumption on premises shall be open for business at any licensed location between the hours of 3:00 A.M. and 6:00 A.M. on any day.
- (b) Notwithstanding the provisions of subparagraph (a) of this Section, no licensee which is operating in any location pursuant to a special event permit shall be permitted to sell or serve alcoholic beverages on any day between the hours of 2:00 A.M. and 6:00 A.M.; and no special event permit holder, or person or entity under contract with such permit holder for the provision of alcoholic beverages shall suffer or permit the consumption of any alcoholic beverages within the special event location during such hours.
- (c) Notwithstanding the provisions of subparagraphs (a) and (b) of this Section, any licensee which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served, or which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging shall be permitted to operate between the hours of 3:00 A.M. and 6:00 A.M., but shall not sell or serve any alcoholic beverages for consumption on premises during such hours; and shall not suffer or permit the consumption of alcoholic beverages on the licensed premises during such hours, except within rooms rented for overnight lodging, regardless of whether such beverages were purchased from the licensed

location prior to 3:00 A.M., or were purchased elsewhere and brought onto the premises for the purposes of brown bagging.

ARTICLE VIII. - ALCOHOLIC BEVERAGE CATERER

Sec. 4-216. - Event permits; alcoholic beverage license required.

- (a) Any alcoholic beverage caterer who possesses a valid license from Macon-Bibb County or another county or municipality in the state and possesses a valid license from the state to sell malt beverages, wine, or distilled spirits by the drink or by the package at a fixed location within Macon-Bibb County may be issued by Macon-Bibb County an event permit authorizing such sales off premises and in connection with an authorized catered event or function or special event, and at the location of that authorized catered function or special event.
- (b) A licensed alcoholic beverage caterer may sell only that beverage which is authorized by the alcoholic beverage license in effect. For example, if the alcoholic beverage caterer possesses a valid license to sell malt beverages, only malt beverages can be sold by the alcoholic beverage caterer at an authorized catered event or function or special event.
- (c) Any food caterer, as defined herein, operating within Macon-Bibb County shall apply for an alcoholic beverage caterer's license in order to distribute or sell any distilled spirits, beer, malt beverages or wine off the premises of the food caterer's business. This does not affect any requirements that the food caterer have a license to sell alcoholic beverages on the premises of the food caterer's business.
- (d) An alcoholic beverage caterer shall submit an application for an off premises event permit pursuant to Article XI of this Chapter. The license may be applied for at the same time as the appropriate alcoholic beverages license(s).
- (e) It is unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off premises and in connection with an authorized catered event or function or special event without first having obtained a license as provided herein.

Sec. 4-217. - Event permit required; application and fee; expiration.

- (a) Exclusive of the license required herein, each alcoholic beverage caterer wishing to sell or distribute distilled spirits, beer, malt beverages, or wine at an authorized catered event or function or special event within Macon-Bibb County must apply for an event permit pursuant to Article XI of this Chapter. The application for the event permit shall include the name of the caterer and the alcoholic beverage caterer's license number; the date, location, time and name of the event; and the quantity of alcoholic beverages to be transported from the licensee's primary location to the location of the authorized catered event or function or special event.
- (b) When an alcoholic beverage caterer is domiciled outside Macon-Bibb County and is currently licensed by the local government authority in which it is domiciled as an alcoholic beverage caterer, a Macon-Bibb County license shall not be required in order for the alcoholic beverage caterer to distribute or sell distilled spirits, malt beverages, or wine at an

authorized catered function or special event inside Macon-Bibb County. However, such alcoholic beverage caterers, shall be required to obtain a special event permit for each catered event within Macon-Bibb County at which such alcoholic beverage caterer will sell alcoholic beverages. Each application for a special event permit by an alcoholic beverage caterer shall be accompanied by a certified check for the full amount of the event permit fee. In addition, taxes shall be levied on the total quantity of alcoholic beverages brought into Macon-Bibb County by the caterer and they shall be levied and paid in full with the application for an event permit. A copy of the license issued by the local government authority where the alcoholic beverage caterer is domiciled shall be attached to the event application.

- (c) Those caterers located within the territorial boundaries of Macon-Bibb County shall be required to obtain an annual alcoholic beverage caterer's permit, as well as a special event permit for each event within Macon-Bibb County at which such alcoholic beverage caterer will sell alcoholic beverage. Each application for an event permit as an alcoholic beverage caterer shall be accompanied by a certified check for the full amount of the event permit fee.
- (d) The original event permit shall be kept in the vehicle at all times while transporting the alcoholic beverages to the authorized catered event or function or "special event;" it also shall be maintained at the site of the catered event and available for inspection at the event or function during the duration of such event or authorized catered function or special event.
- (e) It is unlawful for a licensed alcoholic beverage caterer to distribute or sell alcoholic beverages off premises, except as authorized by the event permit.
- (f) The event permit will be valid for the dates of the authorized catered event or authorized catered function or special event or as approved by Macon-Bibb County, and for three days before such dates; provided, however, that alcohol may be acquired during the three days before the first date of the special event, but packages or bottles may not be opened, nor any alcoholic beverages sold, prior to the date of the event as stated on the application. After expiration of the event, the alcoholic beverage caterer shall apply for a new event permit in the same manner as the original event permit.

Sec. 4-219. - Restrictions.

- (a) No person under the age of 21 shall be employed by a licensed alcoholic beverage caterer, who, in the course of such employment, would dispense, serve, sell, or handle alcoholic beverages as prohibited by O.C.G.A. § 3-3-23.
- (b) No alcoholic beverage caterer may distribute or sell alcoholic beverages during any hours prohibited in the state or Macon-Bibb County or on any days prohibited in the state or Macon- Bibb County.

ARTICLE IX. – CRAFT MANUFACTURING

Sec. 4-300. - Brewpub license.

- (c) Any licensee holding a brewpub license shall be authorized to do the following:
- (1) Manufacture on the licensed premises not more than 10,000 barrels of malt beverages in a calendar year solely for retail sale;
 - (2) Operate an eating establishment that shall be the sole retail outlet for such malt beverages, and which eating establishment may sell such malt beverages by the drink for consumption on premises, or by the package for consumption off premises;
 - (3) Provided that the licensee offers for sale for consumption on premises at least one variety of commercially available canned or bottled malt beverage that is manufactured off-premises and purchased from a licensed wholesaler, exercise all rights afforded to holders of licenses to sell malt beverages or wine by the drink for consumption on premises, and exercise all rights afforded to holders of licenses to sell malt beverages or wine by the package for consumption off premises;
 - (4) Sell alcoholic beverages pursuant to this Section on all days and at all times that sales of alcoholic beverages by retailers are lawful under this Chapter, including, but not limited to, Sundays.
 - (5) Notwithstanding any other provision of this paragraph, sell up to a maximum of 5,000 barrels annually of such malt beverages to licensed wholesale dealers. Under no circumstances shall such malt beverages be sold by a brewpub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale; and
 - (6) Notwithstanding any other provision of this Chapter, sell growlers of malt beverages manufactured on the licensed premises directly to consumers, and sell growlers of malt beverages produced by other manufacturers directly to consumers, provided that the products of other manufacturers are purchased from a licensed wholesaler.
- (d) No person or entity may hold a brewpub license and a license for the sale of distilled spirits by the package for consumption off premises at the same time.
- (e) Brewpub licensees may separately obtain and hold licenses for alcoholic beverage caterer; brown bagging permit; catered or special event permit; wine-tasting permit; or retail sale of distilled spirits by the drink for consumption of premises, provided they meet all applicable qualifications for each such license applied for.

Sec. 4-301– Malt beverage taproom license.

- (b) Any licensee holding a malt beverage taproom license shall be authorized to do the following:
- (1) Manufacture any quantity of malt beverages and sell any quantity of such malt beverages to licensed malt beverage wholesalers for distribution;
 - (2) Sell up to 3,000 barrels of malt beverages produced at the licensed premises to individuals who are on such premises:

- (A) for consumption on premises; and
 - (B) packaged to go, provided that such sales of malt beverages packaged to go shall not exceed a maximum of 288 ounces of malt beverages per consumer per day.
- (3) Sell malt beverages pursuant to this Section on all days and at all times that sales of malt beverages by retailers are lawful under this Chapter, including, but not limited to, Sundays.
- (e) No person holding a malt beverage taproom license and no entity operating a malt beverage taproom shall be permitted to sell any alcoholic beverages other than the malt beverages produced on such licensee's premises.

Sec. 4-302. – Cocktail Room License.

- (b) Any licensee holding a cocktail room license shall be authorized to do the following:
- (1) Manufacture any quantity of distilled spirits and sell any quantity of such distilled spirits to licensed distilled spirit wholesalers for distribution;
 - (2) Sell up to 500 barrels of distilled spirits per year produced at the licensed premises to individuals who are on such premises:
 - (A) for consumption on premises; and
 - (B) packaged to go, provided that such sales of distilled spirits packaged to go shall not exceed a maximum of 2,250 milliliters of distilled spirits per consumer per day.
 - (3) Sell distilled spirits pursuant to this Section on all days and at all times that sales of distilled spirits by retailers are lawful under this Chapter, including, but not limited to, Sundays.
- (c) No licensee operating a cocktail room shall sell any distilled spirits by the package to go at a price less than the price at which other retailers licensed to sell distilled spirits by the package to go are permitted to sell such distilled spirits under the law.
- (e) No person holding a cocktail room license and no entity operating a cocktail room shall be eligible to hold any other manufacturing, wholesale, retail, or caterer's license for the sale of alcoholic beverages while such cocktail room license remains valid.
- (f) No person holding a cocktail room license and no entity operating a cocktail room shall be permitted to sell any alcoholic beverages other than the distilled spirits produced on such licensee's premises.

ARTICLE X. – MISCELLANEOUS

Sec. 4-312. - Brown bagging Permits.

- (a) Except as otherwise provided in this Section, any establishment may obtain a brown bagging permit to allow patrons to bring malt beverages, wines, or distilled spirits purchased off-premises onto the premises of said establishment for consumption thereon.

- (d) No establishment licensed for the retail sale of alcoholic beverages by the package, for consumption off premises, or for the wholesale or manufacture of alcoholic beverages, shall be eligible for a brown bagging permit unless such establishment holds a brewpub license.
- (e) Every establishment obtaining a brown bagging permit and allowing brown bagging at such establishment shall be subject to the following rules and regulations:
 - (1) No bottle or other container of alcoholic beverages brought onto a premises by a patron shall be in the possession or under the control of any owner, licensee, employee or agent of such establishment at any time. Possession of such bottle or container of alcoholic beverages shall be prima facie evidence of the violation of this provision. Bottles or other containers of alcoholic beverages must remain in the possession of, or under the control of, the person bringing such bottle or container into an establishment permitting brown bagging.
 - (2) The above regulation shall not apply during legal hours for sale to those establishments holding brown bagging permits which also hold a license for the retail sale of alcoholic beverages by the drink, for consumption on premises.
 - (3) Establishments holding brown bagging permits shall not deny or restrict the privilege of brown bagging by patrons or impose any admission charge, cover charge or minimum charge on brown bagging patrons that is not also imposed upon all other patrons during the legal hours for sale and consumption of alcoholic beverages. Establishments may elect to impose “bottle fees” or “corking fees” for the opening of closed packages of alcoholic beverages brought onto such premises by patrons. Notwithstanding any other provisions of this Section to the contrary, the opening or resealing, by employees of an establishment, of sealed containers of alcoholic beverages brought onto the premises by patrons, or the pouring of beverages therefrom for service to such patrons, shall not be in violation of this Section so long as the containers of alcoholic beverages remain at all times with the patrons who furnished said container.
 - (4) No establishment holding a brown bagging permit shall permit or suffer patrons to bring onto its premises any alcoholic beverages in an open container, unless such open container is authorized under this Code to be carried on and across any public rights of way or private property which must be traversed by members of the public in order to enter said establishment.

Sec. 4-313. - Possession of alcoholic beverages in certain areas prohibited; exceptions.

- (a) It shall be unlawful for any person, to drink or have in his possession an open container of alcoholic beverage within the property boundary lines of any retail establishment licensed to sell alcoholic beverages only packaged to go and not licensed for brown bagging or consumption on the premises, or within 200 feet of the entrance of any such licensed establishment, whichever is less.

Sec. 4-314. - Possession of glass, opened bottle or other opened container of beer, wine or other alcoholic beverages; where prohibited.

- (a) It shall be unlawful for any person owning or operating a place of business licensed under this Chapter for consumption on the premises to permit any customer or other person at such establishment to have in his possession, any glass containing any alcoholic beverage, or any opened and unemptied bottle or other open container of any alcoholic beverage or in or on the premises of the place of business, regardless of where the beverage was purchased, at any time or on any day during which the sales of alcoholic beverages by the drink for consumption on premises is prohibited under this Chapter or under State Law. For purposes of this Section, bottles or other containers from which employees of the establishment pour or draw alcoholic beverages to be served to patrons, shall not be considered open or opened containers if the containers are kept or stored in an area situated behind the counter or bar with access to said area limited to the employees of the establishment only.
- (b) It is the purpose and intent of this Section to assist in the enforcement of the regulations against selling and consuming alcoholic beverages between the hours set forth in this Article, while allowing businesses and individuals a reasonable grace period in which to close, empty, or otherwise dispose of their open containers. The commission finds that the regulations herein imposed are necessary for the proper regulation of the sale and consumption of alcoholic beverages.

Sec. 4-315. - Violations.

- (a) Any person violating any provision of this Chapter shall be guilty of an ordinance violation and be subject to a fine of up to \$1,000.00 and/or six months in jail per violation. Additionally, any person violating this Chapter may, after a hearing as provided in Article XI of this Chapter, have any Adverse Action imposed against any or all licenses issued to such person under this Chapter, or may be subject to other penalties under the law.
- (b) Pursuant to O.C.G.A. § 3-3-2.1, it shall be the duty of each officer, department, agency, or instrumentality of Macon-Bibb County to report to the Georgia Department of Revenue within forty-five (45) days of issuing any citation or making any arrest arising out of the violation of any law, rule, regulation, resolution, or ordinance of a governmental entity relating to the manufacture, distribution, sale, or possession of alcoholic beverages against a licensee, an employee of a licensee, or any person holding a financial interest in the license of the licensee on the premises or place of business of any licensee, pursuant to the regulations and procedures of the Georgia Department of Revenue. Provided, however, that no individual shall be cited, fined, or jailed for failure to timely report such citations or arrests.

ARTICLE XI – LICENSING PROCEDURES

Sec. 4-400. –Procedures applicable to all licensing decisions under this Chapter; “Adverse Action” defined.

This Article shall govern procedures for all licensing decisions under this Chapter, including, without limitation, decisions to grant or deny any license application or transfer application; to renew or decline to renew any license; to impose or remove conditions imposed upon any applicant or licensee in lieu of denying licensure, or renewal or transfer thereof, or in lieu of revoking any license; or to revoke any active license.

As used within this Chapter, “Adverse Action” shall mean, with respect to any license issued under this Chapter, or any application for the issuance, transfer, or renewal thereof, any recommendation or decision to:

- (a) deny issuance, transfer, or renewal of any or all licenses applied for;
- (b) impose conditions in lieu of denying issuance, transfer, or renewal of any or all licenses applied for;
- (c) revoke any or all of a licensee’s licenses;
- (d) impose conditions in lieu of revoking any or all of a licensee’s licenses; or
- (e) deny, in part or in full, any request to modify or remove conditions imposed upon any licensee in lieu of denying any application for the issuance, transfer, or renewal of any license, or in lieu of revoking any or all of a licensee’s licenses, including by modifying such conditions imposed in any manner other than the manner requested.

Sec. 4-411 – Conditions imposed in lieu of denial or revocation.

In lieu of denying any application for the issuance, renewal, or transfer of any license under this Chapter, or in lieu of revoking any license issued under this Chapter, the Macon-Bibb County Commission shall be authorized to issue, renew, transfer, or allow to remain in force any or all licenses under consideration, subject to any conditions of the Macon-Bibb County Commission’s choosing, so long as the conditions imposed are reasonably supported by the particular facts and circumstances of a licensee’s operations, location, or history; and reasonably address those particular facts and circumstances which concern the Macon-Bibb County Commission.

The Macon-Bibb County Commission shall be authorized to impose conditions upon any applicant or licensee, notwithstanding the fact that the particular facts and circumstances of a licensee’s operations, location, or history do not directly rise to a level sufficient to warrant the denial of a license application, or the revocation of a license, so long as any of the objective factors considered under this Chapter in evaluating an application or license weigh negatively upon such application or license. Any time conditions are imposed, the Macon-Bibb County Commission shall provide a period of time in which each condition shall be complied with. It shall be the duty of the licensee to demonstrate to the satisfaction of the Sheriff, or his or her designee, that all conditions imposed are timely complied with, and remain in compliance. Upon a satisfactory showing of compliance, the Sheriff shall provide notice of the licensee’s

compliance to the Macon-Bibb County Commission and County Attorney, and shall furnish a copy of such notice to the licensee.

Conditions imposed shall remain in force in perpetuity, unless the Macon-Bibb County Commission expressly limits the duration thereof. The failure to comply with any conditions imposed shall be grounds for denying or revoking any license until the licensee comes into compliance therewith.

Conditions which may be imposed under this Section include, but are not limited to, the following:

- (a) Requirements, notwithstanding the provisions in Sec. 4-40, for the installation of security systems, including specifications on the number or location of cameras or other security devices; camera resolution; the use of color video feeds; the use of audio feeds; retention periods of all security footage; or other details or specifications thereof;
- (b) Requirements to maintain certain levels of staffing at all times, including managerial or ownership presence, or to maintain certain levels of security staff, or to maintain staff with certain specified relevant training or experience;
- (c) Requirements for the termination of particular employees, or for the separation of particular owners from a business enterprise;
- (d) Requirements to maintain certain lighting levels within the business, or on the exterior premises thereof;
- (e) Requirements to notify the Bibb County Sheriff's Office of certain specified activities on the premises;
- (f) Prohibitions on the bringing of weapons onto the premises;
- (g) Limitations on days, dates, or times of operation;
- (h) Limitations on quantities of alcohol which may be sold as part of a single transaction; or which may be sold to or for a single customer within a single business day;
- (i) Limitations on the number of customers that may be on the interior or exterior of the premises at any given time;
- (j) Requirements to submit documentation in order to allow the Bibb County Sheriff's Office to verify compliance with conditions imposed;
- (k) Requirements limiting patronage to only customers age twenty-one and over, whether at all time and days, or at certain times or on certain days;
- (l) Requirements to come into compliance with all other applicable laws or regulations within a certain period of time; or
- (m) Any other conditions which may be crafted to address the particular concerns of the Macon-Bibb County Commission.

ARTICLE XII – LICENSING FOR ALCOHOL HANDLERS

Sec. 4-500. – “Alcohol Handler” defined.

For purposes of this Article, the term “Alcohol Handler” shall refer to any natural person who

- (a) is employed or contracted to perform work in Macon-Bibb County by any person or entity licensed under this Chapter for the sale, service, dispensing, or distribution of alcoholic beverages at retail, which licensee does not derive greater than fifty percent (50%) of gross annual revenues from the sale of food; and
 - (1) who, as a normal part of his or her duties is required to pour, mix, or open alcoholic beverages for retail consumption on the premises so licensed; or
 - (2) who, as a normal part of his or her duties is required to supervise or manage any person who, as a normal part of his or her duties is required to pour, mix, or open alcoholic beverages for retail consumption on the premises so licensed.
- (b) holds a twenty-five percent (25%) or greater ownership interest, whether directly or through any number of legal entities, in any business or operation licensed under this Chapter for the sale, service, dispensing, or distribution of alcoholic beverages at retail; provided that this requirement shall not apply if the licensed business is a publicly traded company; or
- (c) is the agent designated on the alcohol license records on file with Macon-Bibb County for any person or entity licensed under this Chapter for the sale, service, dispensing, or distribution of alcoholic beverages at retail.

Sec. 4-501. – Alcohol handler’s license required.

- (a) No person shall be employed or contracted to perform work in Macon-Bibb County as an Alcohol Handler after April 1, 2019, unless such person possesses a valid license pursuant to this Article or otherwise acquires a valid license pursuant to this Article within ten days of first being employed or contracted to perform work as an Alcohol Handler.
- (b) Any person or entity licensed under this Chapter for the sale, service, dispensing, or distribution of alcoholic beverages at retail shall be in violation of this Section unless every person who is an Alcohol Handler as a result of his or her relationship to such licensee possesses a valid license pursuant to this Article within ten days of forming such relationship, and continuously maintains in good standing a valid license pursuant to this Article throughout the term of such relationship.

Sec. 4-503. – Issuance of licenses.

Upon satisfaction of all requirements, as set forth in Sec. 4-502 of this Code, the Macon-Bibb County Department of Business Development Services, or any successor department, shall issue the applicant a license. The license shall be issued in the name of the Alcohol Handler, and not in the name of his or her employer. A single license shall be valid for the performance of all Alcohol Handler duties performed for any number of employers, locations, or venues within Macon-Bibb County. The license shall be of suitable size and construction to be carried around on the licensee’s person at all times.

Sec. 4-504. – Expiration of licenses.

Each license issued under this Article shall expire on December 31st of the calendar year for which the license is issued. Each licensee shall know for himself or herself when his or her license expires, and shall not be authorized to work as an alcohol handler under this Article until such license is renewed.

Sec. 4-506. – Display of license upon demand.

- (a) Each Alcohol Handler shall carry his or her license issued under this Article on his or her person, or stored in a location so as to be immediately accessible at all times during which such Alcohol Handler is performing any act of pouring, handling, serving, delivering, dispensing, taking orders for, or selling alcoholic beverages at retail; or of observing patrons or otherwise maintaining the security of the premises; or of supervising or managing any person who, as a normal part of his or her duties is required to pour, handle, serve, deliver, dispense, take orders for, or sell alcoholic beverages at retail; or who, as a normal part of his or her duties is required to observe patrons or otherwise maintain the security of the premises.
- (b) Each Alcohol Handler, while performing the duties of an Alcohol Handler, shall immediately produce his or her license issued under this Article upon demand by any law enforcement officer or Macon-Bibb County code enforcement personnel. If any Alcohol Handler fails to do so, then both the Alcohol Handler and the licensee for which the Alcohol Handler is employed shall be each separately in violation of this Section; provided, however, that later producing proof that the Alcohol Handler was validly licensed at the time of demand, or was otherwise exempt from the licensing requirements imposed by this Article shall be an absolute defense to any citation for violating this Section.
- (c) All licenses issued under this Article shall be the property of Macon-Bibb County. Any law enforcement officer or Macon-Bibb County code enforcement officer shall be authorized to immediately confiscate any counterfeit license, or expired or revoked license, which is presented to such officer at any time.

Chapter 16 – OFFENSES⁵

Sec. 16-15. - Dive defined; prohibited; frequenting.

- (a) It shall be unlawful for any person, group of persons or organization to have, keep, operate, or allow to be operated at a place or building owned by same, a dive.
- (b) A "dive" is defined as any place or establishment where:
 - (1) Legal alcoholic beverages are sold without a proper license or permit; or illegal alcoholic beverages, or other illegal drugs are found, possessed, kept or sold; or illegal gambling activities are being conducted; or
 - (2) Any person is permitted to:

⁵ Chapter 16 is the Macon-Bibb County Criminal Code.

b. purchase or consume any otherwise legal alcoholic beverages at any establishment, or on any premises, required under Chapter 4 of this Code to be licensed in any way, whether or not so licensed, where such purchase or consumption occurs outside of the legal hours of alcohol service, as provided in Chapter 4 of this Code; or

(5) Illegal transactions occur involving:

a. Any alcoholic beverages, legal or illegal, including the provision of alcoholic beverages to, or consumption by, any person under the legal drinking age of 21 years; or

b. Any alcoholic beverages, legal or illegal, including the provision of alcoholic beverages to, consumption by, any person outside of the legal hours of alcohol service, as provided in Chapter 4 of this Code, except at private residences, as that term is defined in Chapter 4 of this Code; or

(c) It shall be unlawful for any person to enter, visit or be present in a "dive" as defined in this Section, for purposes of:

(2) Selling, purchasing, distributing, or consuming any legal alcoholic beverage outside of the legal hours of service, as provided in Chapter 4 of this Code, except at private residences, as that term is defined in Chapter 4 of this Code; or

(d) When violators are charged under this Section, arresting officers may, consistent with state law, seize all evidence of the violation, including money, alcoholic beverages, drugs, or evidence of illegal gambling activities, and impound such evidence pending trial of the case, after which the evidence shall be disposed of in a manner prescribed by state law and/or federal law.